

WORKING DRAFT

Bay Delta Conservation Plan Critical Path Issues and Other Pending Topics July 19, 2011

1. Effects Analysis

- a. Resolve issues related to the Conceptual Foundation/Analytical Framework
 - i. Modeling tools to be used
 - ii. Treatment of sensitive operational parameters and effects
 - 1. Fall X2
 - 2. San Joaquin River/South Delta Operations
 - 3. Smelt Entrainment
 - 4. Predation effects of North Delta facilities
 - iii. Species response to habitat restoration
 - iv. Treatment of uncertainty
 - v. Relation to Goals and Objectives
 - vi. Relation to adaptive management
 - vii. Roll-up of effects

Decisions/Timing: TBD/September 30

- b. Review and Feedback on Technical Appendices
 - i. Direct working relationship with consultant team
 - ii. Objective of agency reviews

Decisions/Timing: No Decisions Anticipated. Complete September -- December

- c. Determine independent peer review of conceptual framework/complete Effects Analysis

Decisions/Timing: How will independent peer review be constructed? Will one panel review the entirety of the EA? What is the appropriate timing to allow for feedback within schedule constraints? Decisions needed mid-August.

- d. Resolve outstanding operating criteria parameters for EA alternatives

Decisions/Timing: What is the SWRCB increased Delta outflow alternative? What is the operating criteria for the 3,000 cfs facility alternative? Decisions needed XX

2. Goals and Objectives

- a. Complete aquatic and terrestrial goals and objectives

Decisions/Timing: No Decisions Anticipated. Complete October/November.

WORKING DRAFT

3. Description of the Proposed Project – Anticipated in early 2012 after review of EA

Decisions/Timing: Agree on refined conservation measures; north Delta facilities size, phasing; Yolo bypass operations and NEPA coverage. Decisions needed XX

4. Draft EIR/EIS Topics – The elements identified below will occur on different timelines leading to completion of the public review draft in spring/summer 2012.

Decisions/Timing:

- a. Determine Range of Alternatives. Decision needed XX
- b. Review and feedback on draft work products - Ensure adequacy of consultant work products (per Lead Agency Agreement). No Decisions Anticipated.
- c. Agreement on NEPA and Clean Water Act permitting MOU and associated checkpoints including Purpose and Need, Overall and Basic Purpose Statement for Corps permitting, range of alternatives development, and Least Environmentally Damaging Practicable Alternative (LEDPA). Decision needed XX
- d. Assess adequacy of BDCP EA to meet EIR/EIS, CWA 404 needs
- e. Yolo bypass operations and NEPA coverage
- f. South delta flood bypass and habitat improvements

Other Pending Topics of Importance

- Governance

Decisions/Timing: Determine path forward on Governance and related operations issues in chapter 6. Need to coordinate timing of state-federal agency agreement with working group schedule. Decision needed XX.

- Permittee

Decisions/Timing: To what extent do water contractors need ESA and NCCP/CESA coverage? How can they be permittees under these statutes? What are their roles and responsibilities as permittees? See funding agreement language (Attachment 3) pertaining to this issue. Decision needed XX.

- Assurances
- Adaptive ranges

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Decisions/Timing: ICF has been directed to develop an Adaptive Range paper that can be discussed by a drafting group of a few contractors, NGOs and agencies. The product of their work will be referred to the adaptive range working group. ICF Draft Paper: xx, Meetings of the Drafting Group: xx, Working Group convened no later than October 1.

- Science and Monitoring Plan
- Financing
- Adaptive management and metrics
 - a. Conflicting demands on agency resources for this effort, other related tasks, and litigation.
 - b. Confirm status of State's consultant team to complete Goals and Objectives and metrics
- Address NAS reviews

Process-Related Improvements

1. Restructuring the Wednesday Principals Decision-making Meetings
 - a. Prioritizing topics; setting agendas; framing issues
 - b. State-federal core staffing team
 - c. Connection with management team/consultant work product
 - d. Interaction with water users
2. New Consultant Management Team - The charge of this small team is to provide clear, regular direction to the team of consultants working on the project, and to keep to the schedule. It is not to make policy decisions about issues that arise during the course of the effects analysis of drafting of BDCP plan.
 - a. Federal representation
 - b. Contractor (water user) representative
 - c. DWR representative
 - d. Consultant representation
 - e. Decision-making/management structure
 - f. Tie backs into 5-Agency Policy Meetings

All draft and final consultant deliverables will be delivered to the full five agency team, and not pre-screened by DWR, the contractors or the consultant management team.

3. Continue Tuesday 5 agency management meetings for coordination, resolving issues, and core team teeing up issues for Wednesday Principals meetings that cannot be resolved at lower level.